



County of Los Angeles
CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

August 15, 2007

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To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Yvonne Burke
Supervisor Don Knabe,
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name of the Chief Executive Officer.

FEASIBILITY OF ESTABLISHING AN INDEPENDENT OFFICE OF THE CHILDREN'S SERVICES OMBUDSMAN

On June 18, 2007, on motion of Supervisor Michael D. Antonovich, your Board instructed the Chief Executive Officer (CEO), in consultation with County Counsel, to report back in 30 days on the feasibility of establishing an independent office of Children's Services Ombudsman with a clear chain of command utilizing existing staff within the Departments of Children and Family Services and Auditor-Controller.

Representatives from the CEO, Auditor-Controller (Auditor), County Counsel, and the Department of Children and Family Services (DCFS), analyzed State law, and reviewed the State's Foster Care Ombudsman function to evaluate the most effective organization structure for an independent Office of Children's Services Ombudsman in Los Angeles County. Based on the evaluation, we recommend that an independent Children's Services Ombudsman (CSO) be established under the CEO. The new CSO would assume existing Auditor group home ombudsman and contract compliance functions, existing DCFS ombudsman responsibilities, and would be assigned to the Children and Families' Well-Being Cluster reporting directly to the Deputy CEO.

Existing Structure

The current CSO function in Los Angeles County is bifurcated between the Auditor and DCFS. The Auditor has responsibility for the Children's Group Home Ombudsman (Children's Ombudsman) office which was created in 1998 as the result of concerns expressed by the 1997 Grand Jury who found that youth in group homes were generally isolated and had no one to address or resolve their problems. The Auditor's Children's Ombudsman serves as an advocate and problem solver for children placed in group homes and is independent from DCFS who places children in group homes. Children are encouraged to call or e-mail the Children's Ombudsman who conducts an investigation of the issues they raise, if needed, and provides assistance to resolve problems. The Children's Ombudsman also monitors group home contract agencies to ensure program compliance. The costs associated with these functions total approximately \$1.1 million annually and is fully reimbursed by DCFS.

DCFS is responsible for all other children's services ombudsman functions through its Office of Public Inquiry (OPI). The OPI was established in 2001 and is responsible, among other things, for providing mediation and alternate dispute resolution services to the community; responding to inquiries from public and private agencies, and the child welfare services community; providing requested educational and supportive information regarding the Department's policies and procedures to foster children, foster parents, adoptive parents, and various agencies; and in conjunction with departmental service bureau administrative support staff, conducting reviews of complaints received from its client population. This current structure does not create an independent process for children, parents, family members, or other stakeholders in the County's child welfare system to obtain an impartial and independent review of their inquiries and/or complaints.

Legal Authority/Confidentiality

A key function of a CSO would be to review juvenile case files and other confidential documents associated with a child in the County's child welfare system.

Access to Juvenile Court records is outlined in Section 827 of the California Welfare and Institutions (W&I) Code. Specifically, a case file may be inspected only by the following: a) Court personnel; b) the District Attorney, or city prosecutor; c) the minor who is subject to the proceeding; d) the minor's parent or guardian; e) the attorneys for the parties, judges, referees, other hearing officers, probation officers, and law enforcement officers who are actively participating in criminal or juvenile proceedings against the minor; f) the superintendent or designee of the school district where the minor is enrolled or attending school; g) members of the child protection agencies; and h) any

other person who may be designated by court order of the judge of the Juvenile Court upon filing a petition. In addition, the California Department of Social Services is authorized to inspect a case file in order to carry out its duties to oversee and monitor county child welfare agencies, children in foster care or receiving foster care assistance, and out-of-state placements.

The W&I Code does not authorize the Auditor nor the CEO to inspect case files as part of its regular duties and functions. However, as stated above, the Auditor and CEO, on a case-by-case basis, upon receipt of a court order, can inspect an individual case in which a complaint or inquiry has been filed. It should be noted that child welfare agencies do not have the legal authority to challenge a Juvenile Court decision but can recommend case reassessments.

Proposed Structure

We evaluated the possibility of establishing an independent Office of the CSO under the Auditor, as well as under DCFS. While there are various advantages to shifting this function to the Auditor, we believe the main mission of the Auditor does not, and should not, involve resolving children's issues on a day-to-day basis. In contrast, while the investigation of issues and/or complaints related to children under supervision of DCFS is clearly part of DCFS' mission, we believe moving the Ombudsman function to a more independent structure would improve the process. Therefore, we recommend that an independent Office of the CSO be established under the CEO which will address the appearance of a conflict regarding case reviews. The new CSO would assume existing Auditor group home ombudsman and contract compliance functions, as well as existing DCFS ombudsman responsibilities. The CSO would be assigned to the Children's and Families' Well-Being Cluster and report directly to the Deputy CEO.

Although, the W&I Code authorizes DCFS, but not the Auditor nor the CEO, except in specific circumstances, access to all juvenile case files, we believe legal authority to access juvenile case files, as needed, is essential to resolving complaints and other children related issues in a timely and effective manner. As a result, we will work with County Counsel to establish appropriate protocols to provide the CEO with the required authority to review juvenile case files.

Proposed Staffing

Based on our review, we believe utilization of existing Auditor and DCFS personnel, as well as a head CSO position and three additional program staff are required to successfully implement the proposed structure. The recommended staff, space, and services and supplies requirements are estimated to cost \$486,000 annually. Sufficient funding for this function is already included in DCFS' adopted budget from prior savings attributed to the elimination of the Children's Services Office of Independent Review. In addition, the Auditor currently has ten positions, currently funded by DCFS, assigned to perform the Children's Group Home Ombudsman function, as well as the monitoring of group home contract agencies. We recommend that this funding should also be redirected to fund the proposed structure.

Conclusion

Based on our review, we recommend that an independent Office of the Children's Services Ombudsman be established within the CEO. The CSO would report directly to the Deputy CEO and would be responsible for: 1) assisting in resolving issues and complaints received from foster children, foster parents, adoptive parents, family members, members of the public, community organizations, departmental administration, various governmental and community agencies, and other interested parties; 2) conducting an independent and impartial review of complaints received, making every attempt to resolve all issues and where feasible, inform individuals of the various resources that may be available; and 3) all matters relating to children in group homes and contract monitoring of these group homes. To implement the proposed CSO organization and to maintain State and Federal reimbursements, we recommend that these positions and associated costs remain within DCFS' budget; and that the positions be administratively assigned to the CEO in order to establish an independent CSO structure.

Please let me know if you have questions or your staff may contract Brian Mahan at (213) 974-1318.

WTF:SRH:BY
GP:BM:lbm

c: Executive Officer, Clerk of the Board
 Auditor-Controller
 County Counsel
 Director, Department of Children and Family Services